

Substitute Bill No. 562

February Session, 2002

AN ACT CONCERNING AN ADDRESS CONFIDENTIALITY PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. (NEW) (*Effective January 1, 2003*) As used in sections 1 to 16, inclusive, of this act:
- 3 (1) "Address confidentiality program" or "program" means the 4 program established in sections 1 to 16, inclusive, of this act;
- 5 (2) "Agency" shall have the same meaning as "public agency" or 6 "agency" pursuant to section 1-200 of the general statutes, as amended;
 - (3) "Application assistant" means a person authorized by the Secretary of the State to assist applicants in the completion of program participation applications;
- (4) "Authorized personnel" means an employee of an agency or an employee in the office of the Secretary of the State who has been designated by the chief executive officer of the agency or by the Secretary of the State to process and have access to records pertaining to the program participant, including, but not limited to, voter applications, voting records and marriage applications.
- 16 (5) "Certification card" means a card issued by the Secretary of the 17 State to a program participant upon certification that includes the 18 program participant's name, certification code, program address,

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- 19 certification expiration date and signature of the program participant;
- 20 (6) "Confidential address" means a program participant's address or
- 21 addresses as listed on such participant's application for program
- 22 participation that are not to be disclosed, including such participant's
- 23 residential address in this state and work and school addresses in this
- 24 state, if any;
- 25 (7) "Family violence" has the meaning specified in section 46b-38a of
- 26 the general statutes;
- 27 (8) "Injury or risk of injury to a child" means any act or conduct that
- 28 constitutes a violation of section 53-21 of the general statutes;
- 29 (9) "Law enforcement agency" means the office of the Attorney
- 30 General, the office of the Chief State's Attorney, the Division of State
- 31 Police within the Department of Public Safety or any municipal police
- 32 department;
- 33 (10) "Marriage records" means an application for a marriage license,
- 34 issued marriage license, license certificate or other documents related
- 35 thereto:
- 36 (11) "Program address" means the post office box number and
- 37 fictitious street address assigned to a program participant by the
- 38 Secretary of the State;
- 39 (12) "Program participant" or "participant" means any person
- 40 certified to participate in the address confidentiality program;
- 41 (13) "Record" shall have the same meaning as "public records or
- 42 files" pursuant to section 1-200 of the general statutes, as amended;
- 43 (14) "Sexual assault" means any act that constitutes a violation of
- 44 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of
- 45 the general statutes; and
- 46 (15) "Stalking" means any act that constitutes a violation of section

- 47 53a-181c, 53a-181d or 53a-181e of the general statutes.
- 48 Sec. 2. (NEW) (Effective January 1, 2003) (a) There shall be an address
- 49 confidentiality program established in the office of the Secretary of the
- 50 State to provide a substitute mailing address for persons who have
- 51 been victims of family violence, injury or risk of injury to a minor,
- 52 sexual assault or stalking, and who wish to keep their residential
- 53 address confidential due to safety concerns.
- 54 (b) The Secretary of the State shall adopt regulations in accordance
- 55 with the provisions of chapter 54 to implement the provisions of
- 56 sections 1 to 16, inclusive, of this act. Such regulations may include, but
- 57 need not be limited to, provisions for program application and
- 58 certification, certification cancellation, agency use of program
- 59 addresses, forwarding of program participants' mail, voting by
- 60 program participants and recording of vital statistics for program
- 61 participants.
- 62 Sec. 3. (NEW) (Effective January 1, 2003) (a) An adult person, a
- 63 guardian or conservator of the person acting on behalf of an adult
- 64 person, or a parent or guardian acting on behalf of a minor may apply
- 65 to the Secretary of the State for participation in the address
- 66 confidentiality program to have the Secretary of the State designate a
- 67 program address to serve as the address of the adult person or of the
- 68 minor. An application shall be completed with the assistance of an
- 69 application assistant.
- 70 (b) The Secretary of the State shall make available a list of entities
- 71 that employ application assistants to assist applicants in applying to
- 72 the address confidentiality program. The Department of Social
- 73 Services shall, within existing budgetary resources, provide funding to
- 74 entities that employ application assistants to reimburse such entities
- 75 for the reasonable costs of providing assistance to applicants under
- 76 this program.
- 77 Sec. 4. (NEW) (Effective January 1, 2003) The Secretary of the State
- 78 shall certify an applicant or the person on whose behalf the application

- 79 is made as a program participant if the application is filed in the 80 manner and on the application form prescribed by the Secretary of the 81 State and includes:
 - (1) A statement made under penalty of false statement as provided in section 53a-157b of the general statutes, that (A) the applicant or the person on whose behalf the application is made is a victim of family violence, injury or risk of injury to a minor, sexual assault or stalking, and (B) the applicant fears for the applicant's safety, for the safety of the applicant's children, for the safety of the person on whose behalf the application is made, or for the safety of the children of the person on whose behalf the application is made;
 - (2) Documentation supporting the statements made pursuant to subdivision (1) of this section;
- 92 (3) A designation of the Secretary of the State as agent for service of 93 process and for receipt of first class mail;
 - (4) The residential address in this state, the work and school address in this state, if any, and the phone number or numbers, if available, that are to remain confidential, but which may be used by the Secretary of the State or authorized personnel to contact the applicant or the person on whose behalf the application is made; and
- 99 (5) The application preparation date, the applicant's signature and 100 the signature of the application assistant who assisted the applicant in 101 applying to the program.
 - Sec. 5. (NEW) (Effective January 1, 2003) (a) Upon certification by the Secretary of the State of a program applicant or the person on whose behalf the application is made, the applicant, or the person on whose behalf the application is made, as appropriate, shall be issued a program certification card. The certification card shall include the program participant's name, certification code, program address, certification expiration date and the participant's signature.

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- (b) The certification expiration date shall be four years from the date 109 110 of issuance of the program certification card.
- 111 Sec. 6. (NEW) (Effective January 1, 2003) (a) The Secretary of the State
- 112 shall maintain a post office box for the exclusive use of the program.
- 113 The post office box number and a fictitious street address shall be the
- 114 program address for program participants.
- 115 (b) The Secretary of the State shall open the post office box each day,
- 116 other than Saturdays, Sundays and state holidays, and retrieve the
- 117 contents. All first class mail addressed to a program participant shall
- 118 be placed, unopened, into envelopes addressed to the participant and
- 119 deposited at a United States post office the same day for delivery by
- 120 first class mail to the participant at the confidential address indicated
- 121 on the application by the participant or by the person applying on
- behalf of the participant. 122
- 123 (c) The office of the Secretary of the State and any agent or person
- 124 employed by the Secretary of the State shall be held harmless from any
- 125 liability in any action brought by any person injured or harmed as a
- 126 result of the handling of first class mail on behalf of program
- 127 participants.
- Sec. 7. (NEW) (Effective January 1, 2003) (a) A program participant 128
- 129 may request that an agency use the program address as the
- 130 participant's residential, work or school address. A program
- 131 participant shall present the participant's certification card to any
- 132 agency official creating a new record and request the use of the
- 133 program address as it appears on the certification card.
- 134 (b) The agency official may make a file photocopy of the
- 135 certification card and shall immediately return the card to the program
- 136 participant.
- 137 Sec. 8. (NEW) (Effective January 1, 2003) A program participant may
- 138 request that the participant's marriage records be kept confidential by
- 139 appearing in person with the participant's spouse or intended spouse

before the authorized personnel for the office of the registrar of vital statistics in the municipality where the marriage was or is to be celebrated and presenting the participant's certification card to such personnel. Upon such request, such registrar shall keep the participant's marriage records confidential and shall not make available for inspection or copying the name and address of a program participant or of the participant's spouse or intended spouse contained in the participant's marriage records, except (1) if requested by a law enforcement agency, to the law enforcement agency, or (2) if directed by a court order, to a person identified in such order.

Sec. 9. (NEW) (Effective January 1, 2003) A program participant may request to be listed on the voter registry list without the participant's street and house number by presenting the participant's certification card to the authorized personnel for the office of the registrar of voters for the municipality in which the participant is eligible to vote, or has applied for such eligibility. Upon such request, the registrar of voters shall list the participant by name only in accordance with subsection (d) of section 9-35 of the general statutes. Such registrar shall keep the participant's confidential address confidential and shall not make such address available for inspection or copying, except (1) if requested by a law enforcement agency, to the law enforcement agency, or (2) if directed by a court order, to a person identified in the order.

Sec. 10. (NEW) (Effective January 1, 2003) (a) If a program participant requests that an agency use the program address, the agency shall accept the program address as a program participant's address unless the agency receives an exemption from the Secretary of the State from the use of the participant's program address.

(b) An agency may request an exemption from the requirement of the use of a program participant's program address in lieu of the participant's confidential address by providing, in writing, to the Secretary of the State: (1) Identification of the statute or regulation that specifies the agency's statutory or regulatory requirement for the use of the program participant's confidential address; (2) a statement that

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- 173 the confidential address will be used only for those statutory or 174 regulatory purposes; (3) identification of the specific program 175 participant with respect to whom the exemption is requested; (4) 176 identification of the persons who will have access to the confidential 177 address; and (5) an explanation of how the agency's acceptance of the 178 program address would prevent the agency from meeting its 179 obligations under the law and why it cannot meet its statutory or 180 regulatory obligation by a change in its internal procedures.
 - (c) During the review and evaluation by the Secretary of the State, and the appeal, if applicable, of an agency's request for an exemption, the agency shall use the program participant's program address.
 - (d) The Secretary of the State's determination to grant or deny a requested exemption shall be based on, but need not be limited to, an evaluation of the information provided by the agency pursuant to subsection (a) of this section.
 - (e) If the Secretary of the State determines that there is a statutory or regulatory requirement that the agency use the program participant's confidential address and that the confidential address will be used only to comply with that requirement, the Secretary of the State shall issue a written exemption for the agency. The Secretary of the State may include in the exemption (1) the agency's obligation to maintain the confidentiality of the program participant's confidential address, (2) limitations on the use of or access to the confidential address, (3) the term for which the exemption is granted, (4) a designation of the record format in which the confidential address may be maintained, (5) a designation of a disposition date after which the agency may no longer maintain a record of the participant's confidential address, and (6) any other provisions and qualifications deemed appropriate by the Secretary of the State.
 - (f) Prior to granting the exemption, the Secretary of the State shall notify the program participant of the exemption, including the name of the agency and the reason or reasons for the exemption.

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- 205 (g) If the Secretary of the State determines that there is no statutory 206 or regulatory requirement that the agency use the program 207 participant's confidential address, the Secretary of the State shall issue 208 a written denial of the exemption request, and shall include a 209 statement of the reason or reasons for the denial.
- 210 (h) The granting or denial of the agency's exemption request 211 constitutes final agency action. Any aggrieved party, including the 212 program participant, may appeal.
 - (i) Any agency that is granted an exemption may not make the program participant's confidential address available for inspection or copying by persons other than those identified in the exemption request as having access to the confidential address unless directed by a court order to a person identified in the order.
 - Sec. 11. (NEW) (Effective January 1, 2003) (a) A program participant, a guardian or conservator of the person acting on behalf of an adult program participant, or a parent or guardian acting on behalf of a minor program participant may apply to renew the participant's program certification by filing with the Secretary of the State (1) the participant's current certification card, (2) a properly completed certification renewal form, and (3) a new certification card form. The program participant or the person acting on behalf of the program participant shall provide all the information required on the certification renewal form and the program participant shall date and sign the certification card form.
 - (b) The Secretary of the State shall (1) certify a program participant who has filed a properly completed certification renewal form to participate in the program for an additional four year term, and (2) issue to the program participant a new certification card with the new expiration date.
- 234 Sec. 12. (NEW) (Effective January 1, 2003) (a) The Secretary of the 235 State may cancel a program participant's certification and invalidate 236 the participant's certification card if:

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- 237 (1) The program participant changes the participant's name from the 238 name listed on the program application and fails to notify the 239 Secretary of the State in writing of the name change within thirty days
- 240 of the change;

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- 241 (2) The program participant changes the participant's confidential 242 address from the address listed on the program application and fails to 243 notify the Secretary of the State in writing of the change within thirty 244 days of the change;
- 245 (3) Mail forwarded to the program participant is returned as 246 nondeliverable;
- 247 (4) The term of the program participant's certification has expired 248 and the participant has not applied for renewal; or
- 249 (5) The application filed by the program participant or by the person 250 who filed the application on behalf of the program participant 251 contained false information.
 - (b) The Secretary of the State shall send written notice of cancellation to the program participant at the confidential address shown in the Secretary of the State's records regarding the participant. The notice shall specify the reason or reasons for cancellation. The program participant shall have thirty days from the date the notice was mailed by the Secretary of the State to appeal the cancellation.
- 258 (c) A person may apply to the program at any time after such 259 person's certification has been cancelled for any reason.
- 260 (d) (1) The Secretary of the State shall notify the appropriate 261 authorized personnel when a participant's certification in the program 262 has been cancelled. After receipt of such notice, the agency shall not be 263 responsible for maintaining the confidentiality of the record or address 264 of a program participant whose certification has been cancelled.
 - (2) If the marriage records of a program participant whose certification has been cancelled were kept confidential pursuant to

- 267 section 8 of this act, the Secretary of the State shall notify in writing the 268 authorized personnel of the appropriate office of the registrar of vital 269 statistics of the cancellation.
 - (3) If the participant whose certification has been cancelled was listed on the voter registry list without the participant's street and number of the house, the Secretary of the State shall notify in writing the authorized personnel of the appropriate office of the registrar of voters of the cancellation.
- 275 (e) A program participant may withdraw from the program by 276 submitting to the Secretary of the State written notice of the 277 participant's withdrawal and the participant's current certification 278 card. The Secretary of the State shall cancel the certification effective on 279 the date of receipt of such notice by the Secretary of the State.
 - Sec. 13. (NEW) (Effective January 1, 2003) (a) The Secretary of the State shall be the program participant's agent, upon whom any summons, writ, notice, demand or process shall be served.
 - (b) A program participant may be served by any proper officer or other person lawfully empowered to make service by leaving two true and attested copies of such summons, writ, demand, notice or process, together with the required fee, at the office of the Secretary of the State or depositing the same in the United States mail, by registered or certified mail, postage prepaid, addressed to the Secretary of the State's office and marked "Address Confidentiality Program". The Secretary of the State shall file one copy of the summons, writ, notice, demand or process and keep a record of the date and hour of receipt. The Secretary of the State shall, within two business days after such service, forward by registered or certified mail the copy of such summons, writ, notice, demand or process to the program participant at the confidential address shown in the Secretary of the State's records.
 - (c) Service is effective under this section as of the date and hour received by the Secretary of the State as shown on the Secretary of the

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- 299 State's records.
- 300 Sec. 14. (NEW) (Effective January 1, 2003) (a) The Secretary of the 301 State may not make any records in a program participant's file, other
- 302 than the program address, available for inspection or copying, except:
- 303 (1) If requested by a law enforcement agency or by the State 304 Elections Enforcement Commission, to such law enforcement agency 305 or said commission, provided the request is in writing, on agency or 306 commission letterhead stationery signed by the agency's chief law 307 enforcement officer, a commanding officer in the Division of State 308 Police or the executive director of the State Elections Enforcement 309 Commission, as the case may be, and contains the request date and the 310 name of the program participant;
- 311 (2) If directed by a court order, to a person identified in the order;
- 312 (3) To verify the participation of a specific program participant, in 313 which case the Secretary of the State may only confirm information 314 supplied by the requestor; or
- 315 (4) If certification has been cancelled.
- 316 (b) If the Secretary of the State discloses records pursuant to 317 subdivision (2) or (3) of subsection (a) of this section, the Secretary of 318 the State shall forthwith notify the program participant of such 319 disclosure.
- 320 Sec. 15. (NEW) (Effective January 1, 2003) No employee of the Office 321 of the Victim Advocate, any law enforcement agency, or any state or 322 municipal social service agency or other witness shall be compelled to 323 disclose the program participant's confidential address during the 324 discovery phase of, or during testimony in, any criminal or civil 325 proceeding unless the court finds that nondisclosure may prejudice a 326 party to the proceeding.
- 327 Sec. 16. (NEW) (Effective January 1, 2003) Nothing in sections 1 to 16, 328 inclusive, of this act, or participation in the address confidentiality

- Sec. 17. Subsection (b) of section 1-210 of the general statutes, as amended by section 1 of public act 01-26, is repealed and the following is substituted in lieu thereof (*Effective January 1*, 2003):
- (b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:
- 336 (1) Preliminary drafts or notes provided the public agency has 337 determined that the public interest in withholding such documents 338 clearly outweighs the public interest in disclosure;
- 339 (2) Personnel or medical files and similar files the disclosure of 340 which would constitute an invasion of personal privacy;
 - (3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) signed statements of witnesses, (C) information to be used in a prospective law enforcement action if prejudicial to such action, (D) investigatory techniques not otherwise known to the general public, (E) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (F) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216;
 - (4) Records pertaining to strategy and negotiations with respect to

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- pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled;
- 363 (5) (A) Trade secrets, which for purposes of the Freedom of 364 Information Act, are defined as information, including formulas, 365 patterns, compilations, programs, devices, methods, techniques, 366 processes, drawings, cost data, or customer lists that (i) derive independent economic value, actual or potential, from not being 367 368 generally known to, and not being readily ascertainable by proper 369 means by, other persons who can obtain economic value from their 370 disclosure or use, and (ii) are the subject of efforts that are reasonable 371 under the circumstances to maintain secrecy; and
- 372 (B) Commercial or financial information given in confidence, not 373 required by statute;
- 374 (6) Test questions, scoring keys and other examination data used to 375 administer a licensing examination, examination for employment or 376 academic examinations;
 - (7) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision;
 - (8) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for;
- 388 (9) Records, reports and statements of strategy or negotiations with 389 respect to collective bargaining;

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- (10) Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship;
- (11) Names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen years of age or older and a parent or guardian of each such student who is younger than eighteen years of age, provided this subdivision shall not be construed as prohibiting the disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school;
- 403 (12) Any information obtained by the use of illegal means;
- 404 (13) Records of an investigation or the name of an employee 405 providing information under the provisions of section 4-61dd;
- 406 (14) Adoption records and information provided for in sections 45a-407 746, 45a-750, as amended, and 45a-751;
 - (15) Any page of a primary petition, nominating petition, referendum petition or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required;
 - (16) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e or a district department of health pursuant to chapter 368f, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;
- 419 (17) Educational records which are not subject to disclosure under

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- 420 the Family Educational Rights and Privacy Act, 20 USC 1232g;
- 421 (18) Records, the disclosure of which the Commissioner of
- 422 Correction, or as it applies to Whiting Forensic Division facilities of the
- 423 Connecticut Valley Hospital, the Commissioner of Mental Health and
- 424 Addiction Services, has reasonable grounds to believe may result in a
- 425 safety risk, including the risk of harm to any person or the risk of an
- 426 escape from, or a disorder in, a correctional institution or facility under
- 427 the supervision of the Department of Correction or Whiting Forensic
- 428 Division facilities. Such records shall include, but are not limited to:
- 429 (A) Security manuals, including emergency plans contained or
- 430 referred to in such security manuals;
- 431 Engineering and architectural drawings of correctional
- 432 institutions or facilities or Whiting Forensic Division facilities;
- 433 (C) Operational specifications of security systems utilized by the
- 434 Department of Correction at any correctional institution or facility or
- 435 Whiting Forensic Division facilities, except that a general description
- 436 of any such security system and the cost and quality of such system
- 437 may be disclosed;
- 438 (D) Training manuals prepared for correctional institutions and
- 439 facilities or Whiting Forensic Division facilities that describe, in any
- 440 manner, security procedures, emergency plans or security equipment;
- 441 (E) Internal security audits of correctional institutions and facilities
- 442 or Whiting Forensic Division facilities;
- 443 (F) Minutes or recordings of staff meetings of the Department of
- 444 Correction or Whiting Forensic Division facilities, or portions of such
- 445 minutes or recordings, that contain or reveal information relating to
- 446 security or other records otherwise exempt from disclosure under this
- 447 subdivision;
- 448 (G) Logs or other documents that contain information on the
- 449 movement or assignment of inmates or staff at correctional institutions

- 451 (H) Records that contain information on contacts between inmates, 452 as defined in section 18-84, and law enforcement officers;
- 453 (19) Records, the disclosure of which the Commissioner of Public 454 Works or, in the case of records concerning Judicial Department 455 facilities, the Chief Court Administrator, has reasonable grounds to 456 believe may result in a safety risk, including the risk of harm to any 457 person, any state-owned or leased institution or facility or any fixture 458 or appurtenance and equipment attached to, or contained in, such 459 institution or facility. Such records shall include, but are not limited to:
- 460 (A) Security manuals or reports, including emergency plans 461 contained or referred to in such security manuals;
- 462 (B) Engineering and architectural drawings of state-owned or leased 463 institutions or facilities;
- 464 (C) Operational specifications of security systems utilized at any 465 state-owned or leased institution or facility, except that a general 466 description of any such security system and the cost and quality of 467 such system, may be disclosed;
- 468 (D) Training manuals prepared for state-owned or leased 469 institutions or facilities that describe, in any manner, security 470 procedures, emergency plans or security equipment;
- 471 (E) Internal security audits of state-owned or leased institutions or 472 facilities;
- 473 (F) Minutes or recordings of meetings of the Department of Public 474 Works or the Judicial Department, or portions of such minutes or 475 recordings, that contain or reveal information relating to security or 476 other records otherwise exempt from disclosure under this 477 subdivision; and
- 478 (G) Logs or other documents that contain information on the

- 479 movement or assignment of security personnel at state-owned or 480 leased institutions or facilities.
- 481 (20) Records of standards, procedures, processes, software and 482 codes, not otherwise available to the public, the disclosure of which 483 would compromise the security or integrity of an information 484 technology system;
- 485 (21) The residential, work or school address of any participant in the 486 address confidentiality program established pursuant to sections 1 to 487 16, inclusive, of this act.

This act shall take effect as follows:	
Section 1	January 1, 2003
Sec. 2	January 1, 2003
Sec. 3	January 1, 2003
Sec. 4	January 1, 2003
Sec. 5	January 1, 2003
Sec. 6	January 1, 2003
Sec. 7	January 1, 2003
Sec. 8	January 1, 2003
Sec. 9	January 1, 2003
Sec. 10	January 1, 2003
Sec. 11	January 1, 2003
Sec. 12	January 1, 2003
Sec. 13	January 1, 2003
Sec. 14	January 1, 2003
Sec. 15	January 1, 2003
Sec. 16	January 1, 2003
Sec. 17	January 1, 2003

Statement of Legislative Commissioners:

A sentence requiring public agencies to accept the program address was deleted from subsection (a) of section 2 and subsection (b) of section 7, since it appears in subsection (a) of section 10.

JUD Joint Favorable Subst.